

Message Text

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ORIGIN EUR-12

INFO OCT-01 ISO-00 L-03 SSO-00 USIE-00 ERDA-05 CIAE-00

H-02 INR-07 IO-10 NSAE-00 OIC-02 OMB-01 PA-01 PM-03

PRS-01 SAJ-01 SAM-01 SP-02 SS-15 TRSE-00 DODE-00

NSC-05 ACDA-05 INRE-00 NSCE-00 /077 R

DRAFTED BY EUR/CE:GACHESTER:KP

APPROVED BY EUR/CE:DANDERSON

EUR/SOV: BZOOK

L/EUR:DSMALL

EUR/EE:KBROWN

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O R 072130Z AUG 75

FM SECSTATE WASHDC

TO AMEMBASSY BONN IMMEDIATE

INFO USMISSION USBERLIN

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

USMISSION NATO

AMEMBASSY BERLIN

AMEMBASSY PRAGUE

C O N F I D E N T I A L STATE 186975

E.O. 11652: GDS

TAGS: PFOR, WB, US, UK, FR, GW, CZ

SUBJECT: SOVIET AND CZECH NOTES ON EXTENSION OF NPT TO
WEST BERLIN

REF: A.) BONN 12298 (NOT TO PRAGUE)

B.) STATE 162293 (NOT TO PRAGUE)

C.) BONN A-628, DECEMBER 31, 1974

1. DEPARTMENT HAS CIRCULATED TO NPT PARTICIPANTS UNDER
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JULY 14 DATE CONTENTS OF SOVIET NOTE ON EXTENSION OF NPT
TO WEST BERLIN AND US REPLY NOTE ON BEHALF OF THREE
WESTERN ALLIES DATED JULY 30. COPY OF REPLY NOTE PASSED
INFORMALLY TO FRENCH EMBASSY AUGUST 6.

2. DEPARTMENT RECEIVED SIMILAR NOTE FROM CZECH EMBASSY DATED JULY 24 (TEXT BELOW) FOR CIRCULATION TO NPT PARTIES. REQUEST US REP INFORM BONN GROUP OF CONTENTS OF NOTE AND DETERMINE IF OTHERS WISH REPLY. WE TEND TO FAVOR BRIEF REPLY AND COULD ENVISAGE NOTE CONSISTING OF PARA 2 OF RELEVANT ANNEX 1 TO REFAIR CATEGORY II. 2.B. (1); OF REFERENCE TO CIRCULATED REPLY TO SOVIET NOTE, AND OF PARA 5 OF RELEVANT ANNEX 1.

3. CZECH NOTE FOLLOWS:

THE EMBASSY OF THE CZECHOSLOVAK SOCIALIST REPUBLIC PRESENTS ITS COMPLIMENTS TO THE DEPARTMENT OF STATE AND, WITH REFERENCE TO THE DEPARTMENT'S NOTE OF 19 MAY 1975, INFORMING THE EMBASSY OF THE RATIFICATIONS OF THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS, INCLUDING THAT BY THE FEDERAL REPUBLIC OF GERMANY AND ITS STATEMENT THAT THE TREATY WILL APPLY ALSO TO WEST BERLIN, HAS THE HONOR TO ADVISE FOLLOWING:

AS CONCERN THE POSSIBILITY OF EXTENDING THE VALIDITY OF THE TREATY TO WEST BERLIN, THE CZECHOSLOVAK SOCIALIST REPUBLIC STATES THAT, IN ACCORDANCE WITH THE FOUR-POWER AGREEMENT OF 3 SEPTEMBER 1971, WEST BERLIN IS NOT PART OF THE FEDERAL REPUBLIC OF GERMANY AND CANNOT BE ADMINISTERED BY IT.

THE DECLARATION BY THE FEDERAL REPUBLIC OF GERMANY TO THE EFFECT THAT THE VALIDITY OF THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS WILL BE EXTENDED TO COVER WEST BERLIN IS IN CONTRAVENTION TO THE FOUR-POWER AGREEMENT WHICH STIPULATES THAT THE GOVERNMENT OF THE REPUBLIC OF FRANCE, OF THE UNITED KINGDOM AND OF THE UNITED STATES OF AMERICA, RESPECTIVELY, RETAIN THEIR RIGHTS AND RESPONSIBILITIES CONCERNING THE REPRESENTATION OF THE INTERESTS ABROAD OF THE WESTERN SECTORS OF BERLIN
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AND OF THE PERSONS PERMANENTLY RESIDING IN THE WESTERN SECTORS, INCLUDING THE RIGHTS AND RESPONSIBILITIES CONCERNING MATTERS OF SECURITY AND STATUS. THE EXTENSION OF THE VALIDITY OF INTERNATIONAL TREATIES CONCLUDED BY THE FEDERAL REPUBLIC OF GERMANY TO COVER THE WESTERN SECTORS OF BERLIN, IN HARMONY WITH THE ADOPTED RULES, IS POSSIBLE ONLY UNDER THE CONDITION THAT QUESTIONS OF SECURITY AND STATUS ARE NOT AFFECTED. THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS CLEARLY AFFECTS QUESTIONS OF STATUS AND SECURITY DIRECTLY.

THE FEDERAL REPUBLIC OF GERMANY CANNOT HAVE ANY RIGHTS AND RESPONSIBILITIES AS CONCERN THE IMPLEMENTA-

TION OF THE PROVISIONS OF THE SAID TREATY IN WEST BERLIN,
CANNOT EXTEND ITS VALIDITY TO COVER WEST BERLIN, AND
THEREFORE ITS DECLARATION CAN HAVE NO LEGAL EFFECTS
WHATSOEVER.

THE EMBASSY WOULD BE GRATEFUL TO THE DEPARTMENT OF STATE
FOR COMMUNICATING THE CONTENTS OF THE PRESENT NOTE TO
ALL THE STATES THAT HAVE BEEN NOTIFIED OF THE RATIFICATION
OF THE SAID TREATY BY THE FEDERAL REPUBLIC OF GERMANY.

THE EMBASSY OF THE CZECHOSLOVAK SOCIALIST REPUBLIC
AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO THE DEPART-
MENT OF STATE THE ASSURANCES OF ITS HIGHEST CONSIDERATION.
END TEXT. KISSINGER

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Message Attributes

Automatic Decaptoning: X
Capture Date: 26 AUG 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NPT, DIPLOMATIC NOTES
Control Number: n/a
Copy: SINGLE
Draft Date: 07 AUG 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE186975
Document Source: ADS
Document Unique ID: 00
Drafter: EUR/CE:GACHESTER:KP
Enclosure: n/a
Executive Order: 11652 GDS
Errors: n/a
Film Number: D750273-0566
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750899/baaaarkp.tel
Line Count: 125
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Office: ORIGIN EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 15 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <15 APR 2003 by GarlanWA>; APPROVED <01 OCT 2003 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: n/a
TAGS: PFOR, WB, US, UK, FR, GE, CZ
To: BONN INFO USBERLIN
LONDON
PARIS
MOSCOW
NATO
BERLIN

PRAGUE

Type: TE

Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006